UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAR -4 PM 2: 02

UNITED STATES OF AMERICA, Plaintiff, v. **Miguel REYES** (AKA: Miguel REYES-Vieira) Defendant.	Magistrate Case No. **'08 MJ 0662** COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **December 15, 2007**, within the Southern District of California, defendant, **Miguel REYES (AKA: Miguel REYES-Vieira),** an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Patricia Vargas, Deportation Officer
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** DAY OF **March 2008.**

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
NAME: Miguel REYES
(AKA: Miguel REYES-Vieira)

PROBABLE CAUSE STATEMENT

On December 15, 2007, the defendant identified as, Miguel REYES (AKA; Miguel REYES-Vieira), was apprehended by the United States Border Patrol near San Ysidro, California. Record checks revealed the defendant to be a previously deported criminal alien. A State Parole Agent determined the defendant to be in violation of parole and issued a Parole Hold. The defendant was booked into San Diego jail for violation of Section 3056 of the California Penal Code, "Violation of Parole; Felon" and an I-247, (Immigration Hold) was placed. On March 3, 2008, the defendant was referred to United States Immigration and Customs Enforcement custody pending further investigation. An Immigration Agent conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least three occasions.

A thorough review of official immigration computer database record checks revealed the defendant was most recently ordered deported from the United States, by an Immigration Judge, on or about November 6, 2003, and most recently removed to Mexico via the San Ysidro, California on June 22, 2007. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as, Miguel REYES (AKA; Miguel REYES-Vieira), a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

All information indicates that the defendant is a citizen of Mexico having been previously removed and has not legal right to enter or reside in the United States.